LOCAL GOVERNMENT ACT 1995

CITY OF BUNBURY

PARKING AND PARKING FACILITIES LOCAL LAW 2018

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Local Government Act 1995

City of Bunbury

Parking and Parking Facilities Local Law 2018

Under the powers conferred by the Local Government Act 1995 and by all other powers enabling it, the Council of the City of Bunbury resolved on 11 December 2018 to make the following local law.

Part 1—Preliminary

1.1 Repeal

1.2 Citation
This local law may be cited as the City of Bunbury Parking and Parking Facilities Local Law 2018.

1.3 Commencement
This local law comes into operation 14 days after the date of its publication in the Government Gazette.

1.4 Definitions
In this local law unless the context otherwise requires—


AS means an Australian Standard as published by Standards Australia and amended from time to time.

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law and where the context requires, any member of the Western Australian Police Service.

authorised vehicle means a vehicle authorised by the local government, CEO or authorised person, or by any written law, to stop or park in a parking facility.

bicycle crossing means any portion of a carriageway near each end of which may be erected, on each side of the carriageway, bicycle crossing signs or lights.

bicycle crossing lights means a device designed to show, at different times, a green, yellow or red bicycle crossing light.

bus has the same meaning given to it in the Road Traffic Code 2000.

bus embayment has the same meaning given to it in the Road Traffic Code 2000.

caravan means a vehicle that is fitted or designed to allow human habitation.

carriageway has the meaning given to it in the Road Traffic Code 2000.

centre has the same meaning given to it in the Road Traffic Code 2000.

CEO means the Chief Executive Officer of the City of Bunbury.

charter bus means any bus which is used, hired or chartered for any purpose but does not include a public bus.

charter bus zone means a parking bay designated for use by a charter bus.

City means the City of Bunbury.

clause means a clause of this local law.

commercial vehicle means a vehicle specifically designed, constructed and used primarily for the conveyance therein or thereon of goods (not being a trailer or a vehicle to which a trailer is attached).

Council means the council of the local government.

delivery vehicle means a motor vehicle on which a business name as defined in the Business Names Act 1962 or a trade mark as defined in the Trade Marks Act 1995 is permanently affixed and readily legible which is being used for the conveyance of goods therein or thereon.
disability parking permit has the meaning given to it in the Local Government (Parking for People with Disabilities) Regulations 2014.

disabled parking bay means a part of a parking facility which is identified or marked by painted lines, symbols, inscriptions or signs as a bay for the parking of vehicles driven by or carrying a person with a disability;

district means the district of the local government;

driver means any person driving or in control of or in charge of a vehicle or any person driving, leading or in control of or in charge of any animal;

edge line for a carriageway, means any line marked along the carriageway at or near the far left or far right side of the carriageway;

emergency vehicle has the meaning given to it in the Road Traffic Code 2000.

footpath includes every footpath, lane or other place—

(a) intended for the use of pedestrians only or, in the case of a dual use path, for the use of pedestrians and bicyclists only; or

(b) ordinarily used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

Keep Clear Area means a portion of a carriageway that lies—

(a) between 2 consecutive signs inscribed with the words “KEEP CLEAR” and each with an arrow pointing generally towards the other; or

(b) between a sign inscribed with the words “KEEP CLEAR” and whichever of the following that lies in the general direction indicated by an arrow inscribed on the sign—

(i) the end of the carriageway; or

(ii) an area in which stopping is prohibited; or

(iii) the furthest point of “KEEP CLEAR” markings;

kerb means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

loading zone means a parking bay or length of carriageway to which a loading zone sign applies and is designated for the use by commercial vehicles or delivery vehicles or an authorised vehicle for the purpose of delivering or collecting goods;

local government means the City of Bunbury;

marked foot crossing has the meaning given to it in the Road Traffic Code 2000;

median strip has the meaning given to it in the Road Traffic Code 2000;

metered space means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in any way to indicate where a vehicle may be parked on payment of a fee or charge;

metered zone means any road or reserve, or part of any road or reserve, in which parking meters regulate the stopping or parking of vehicles;

motor cycle means a motor vehicle designed to travel on two wheels but shall not include a motor vehicle to which a sidecar is attached;

motor vehicle means a self-propelled vehicle that is not operated on rails, and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle or motor scooter;

no parking area means a portion of carriageway that lies—

(a) between two consecutive signs inscribed with the words “No Parking” and each with an arrow pointing generally towards the other of them; or

(b) between a sign, inscribed with the words or symbol denoting “No Parking” and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

no stopping area means a portion of a carriageway that lies—

(a) between 2 consecutive signs inscribed with the symbol denoting “No Stopping” and each with an arrow pointing generally towards the other; or

(b) between a sign inscribed with the symbol denoting “No Stopping” and whichever of the following that lies in the general direction indicated by an arrow inscribed on the sign—

(i) the end of the carriageway; or

(ii) an area in which stopping is prohibited; or

(c) adjacent to a continuous yellow edge line;

obstruct means to interfere with, impede or hinder the passage of any vehicle or person;

occupier has the meaning given to it in the Act;

owner—

(a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic Act;

(b) where used in relation to any other vehicle, means the person who owns the vehicle or who is in possession of the vehicle or is entitled to possession of the vehicle; and

(c) where used in relation to land, has the meaning give to it by the Act;
park has the meaning given to it in the Road Traffic Code 2000.

parking area means a portion of a carriageway—
(a) between two consecutive signs, inscribed with the words “Parking”, each with an arrow pointing generally towards the other of them;
(b) extending, from a sign inscribed with the word, “Parking” in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words “No Parking” or “No Standing or to a dead end or an area in which the parking or standing of vehicles is prohibited and is in that half of the carriageway nearest to the sign:

parking bay means a section or part of a parking facility, road, reserve or parking station that is marked or defined by painted lines or similar devices for the purpose of indicating where a vehicle may stop or park with or without payment of a fee:

parking facility—
(a) includes land, buildings, shelters, signs, notices and other facilities open to the public generally for the parking of vehicles with or without charge; and
(b) includes a road, reserve, parking area, metered zone, ticket machine zone, truck zone, work zone, taxi zone, bus zone, charter bus zone, public bus zone, bicycle zone, parking bay, parking station, attended parking station and any other facility available to the public generally or a specified class of persons or a specified class of vehicle for the parking of a vehicle, whether or not a fee is charged:

parking policy means a policy adopted by the Council under Part 10:

parking region means the whole of the district of the local government of the City of Bunbury excluding the following portions of the district—
(a) any road proclaimed to be a main road under provisions of the Main Roads Act 1930;
(b) the approach and departure prohibition areas of all traffic signal installations; and
(c) prohibition areas applicable to all bridges and subways:

parking station means any land, building or other structure providing for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered stall or private garage:

parking ticket means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle:

parking permit means a card, permit or voucher which is purchased from the local government and which authorises the parking of a vehicle in a parking stall, parking station or part of a parking station:

pedestrian has the same meaning as in the Road Traffic Code 2000.

pedestrian mall has the same meaning as in the Road Traffic Code 2000:

penalty unit has the meaning given in the City of Bunbury Penalty Units Local Law 2018:

person includes a propriety limited company or association:

properly displayed means displayed inside a vehicle on the dashboard and clearly visible to and able to be read from outside the vehicle through the windscreen or either front window by an authorised person at all times while the vehicle remains parked:

property line means the lateral boundary of a road:

public bus means any bus available to the general public in the course of general transport services but does not include a charter bus:

public bus zone means a parking bay designated for use by a public bus:

reserve includes any land—
(a) owned by the local government;
(b) of which the local government is the management body under the Land Administration Act 1997; or
(c) which is an “otherwise unvested facility” in terms of section 3.53 of the Act:

road includes a highway, road, lane, thoroughfare, carriageway or similar place, or part thereof, which is within the parking region of the local government, which the public are allowed to use and includes every part of the highway, lane, thoroughfare or similar place and other things including bridges and culverts appurtenant thereto and includes all of the land lying between the property lines including the road verge and footpath:

road verge means a portion of a road which lies between the boundary of a carriageway and the property line adjacent thereto, and includes any park or reserve or any other land proclaimed by the local government for any purpose whatsoever and also includes the term “nature strip” and also includes any crossover, but does not include the footpath:

Schedule means a Schedule to this local law:

service vehicle has the same meaning as given to it in the Road Traffic Code 2000:

shared zone means the network of roads in an area with—
(a) “shared zone” signage on each road into the area; and
(b) an “end shared zone” sign on each road out of the area:
sign includes a traffic sign, permissive parking sign, inscription, mark, painted line, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed or erected on or near a road, reserve or parking station for the purpose of prohibiting, regulating, guiding, directing or regulating the stopping or parking of vehicles and any sign bearing a reasonable likeness of any representation of a traffic sign or permissive parking sign contained within the Road Traffic Code 2000.

stop has the meaning given to it in the Road Traffic Code 2000.

street has the same meaning as road:

symbol includes any symbol specified by the Road Traffic Code 2000.

taxi has the meaning given to it in the Road Traffic Code 2000.

ticket issuing machine means any equipment, installed from time to time by the local government, at any place, which upon the placing therein of a prescribed coin, coins, or a token, pass, card, key or device issues a ticket indicating the period of parking permitted:

ticket machine zone means a parking facility in which a ticket issuing machine is installed:

thoroughfare has the meaning given to it in the Act:

T-intersection means an intersection where the end of a road intersects with the continuous side of a continuing road:

traffic island means any physical provision, other than lines marked on a carriageway, to guide vehicular traffic:

trailer means any vehicle without motor power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle or a side car:

truck has the meaning given to it in the Road Traffic Code 2000.

truck bay means a parking bay designated for use by trucks only:

unattended means the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle:

unexpired parking ticket means a parking ticket on which a date and expiry time is printed and that time has not expired; and

vehicle includes—

(a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels or tracks, by any means; and
(b) where the context permits, an animal being driven or ridden.

PART 2—ADMINISTRATION

2.1 Application of particular definitions
(1) For the purposes of the application of the definitions of “no parking area”, “no stopping area” and “parking area”, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the general direction in which it would point if the signs were viewed from the centre of the road, perpendicular to the sign post.

(2) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting that word or expression.

(3) A reference to a parking station or metered zone includes a reference to part of the parking station or part of the metered zone.

2.2 Undefined terms
Where a term is used but is not defined in the Act or in this local law and that term is defined in the Road Traffic Act 1974 or the Road Traffic Code 2000 then, unless the context otherwise requires, the term is to have the meaning given to it in the Road Traffic Act 1974 or the Road Traffic Code 2000.

2.3 Delegation
(1) In this local law a reference to the local government having the power to do something in its discretion, and whether or not subject to any condition it thinks fit, shall be deemed to include a reference to the CEO and a committee to which the local government has delegated the power of doing the thing or exercising the discretion.

(2) In this local law a reference to the local government having power to do something in its discretion, shall be deemed to include a reference to any employee of the local government to whom the CEO has delegated to exercise any of the CEO’s powers or the discharge of any of the CEO’s duties in relation to this local law.

2.4 Determination of fees and charges
In this local law any fees and charges shall be determined from time to time by resolution of the local government in accordance with the provisions of the Act.

2.5 Application of local law
(1) This local law applies to the parking region and all parking stations and parking facilities in the parking region and include a parking facility or parking station that—

(a) is owned, controlled or occupied by the local government; or
(b) is owned by the local government but is leased to another person, persons or company; or
(c) is owned or occupied by another person, persons or company whom have a current agreement
with the local government to enforce these local laws.

2.6 Sign erected by the Commissioner of Main Roads

(1) Any sign that—
   (a) was erected by the Commissioner of Main Roads prior to the coming into operation of this
       local law; and
   (b) relates to the restriction, parking or standing of vehicles,

shall be deemed, for the purposes of this local law, to have been erected by the local government
under the authority of this local law.

2.7 Application of signs

(1) This local law applies to the stopping or parking of vehicles within the district which is controlled
    by a sign. Such sign shall be read as applying to that part of the road or road verge which—
       (a) lies beyond the sign; or
       (b) lies between the sign and the next sign beyond that sign; and
       (c) is that half or side of the carriageway of the road or road verge nearest to the sign.

(2) For the purposes of this local law a sign may, by the use of any symbol or other traffic control
    device specified in accordance with AS 1745.11—
       (a) prohibit or regulate parking and stopping; or
       (b) specify maximum times; or
       (c) specify permitted classes of vehicles.

2.8 Class of vehicles

(1) For the purpose of this local law vehicles are divided into classes as follows—
       (a) buses;
       (b) commercial vehicles;
       (c) motor cycles;
       (d) bicycles;
       (e) taxis; and
       (f) all other vehicles not otherwise classified, which includes motor cycles with sidecars attached.

PART 3—STOPPING AND PARKING GENERALLY

3.1 Power to prohibit and regulate

(1) The local government may prohibit or regulate by signs or otherwise the stopping and parking of
    any vehicle or class of person and vehicle, or both, but is to do so consistently with the provisions of
    this local law.

(2) The local government may establish, determine, vary and indicate by signs—
       (a) parking facilities; or
       (b) permitted times and conditions of stopping and parking which may vary with the locality; or
       (c) permitted persons who may stop or park their vehicles; or
       (d) permitted classes of vehicles which may stop or park; and
       (e) the manner of stopping or parking.

(3) Where the local government makes a determination under this clause it shall erect signs to give
    effect to the determination.

3.2 Stopping or parking in accordance with signs

(1) A person must not stop or park a vehicle in a parking facility—
       (a) if by a sign it is set apart for the stopping or parking of vehicles of a different class; or
       (b) if by a sign it is set apart for the stopping or parking of vehicles by persons of a different
           class; or
       (c) during any period when the stopping or parking of vehicles is prohibited by a sign—
           (i) other than wholly within a parking bay or metered space; or
           (ii) if a vehicle is too wide or long to fit completely within a single parking bay, the person
               stopping the vehicle shall park with the vehicle within the minimum number of
               parking bays needed to park that vehicle; or
       (d) otherwise than in accordance with a sign applying to the place where the vehicle is stopping
           or parked.

(2) A person must not stop or park a vehicle—
       (a) in a no stopping area; or
       (b) in a parking area, except in accordance with the signs referable to the parking area and this
           local law; or
(c) partly within and partly outside a parking area; or
(d) in a bay marked ‘M/C’ unless it is a motorcycle without a sidecar; or
(e) in a bus lane; or
(f) in a transit lane; or
(g) in a truck lane; or
(h) in a bicycle lane.

unless the person is driving a public bus or taxi and is immediately dropping off, or picking up passengers.

(3) A person must not park a vehicle in a no parking area.

(4) A person must not stop a vehicle at the side of a carriageway marked with a continuous yellow edged line.

(5) A person must not stop or park a vehicle on or in an area of a carriageway signed or marked as a keep clear area.

(6) A person must not stop a motorcycle without a sidecar in a parking bay or metered space unless—
   (a) the bay or space is marked ‘M/C’; or
   (b) a sign applying to the bay or space is inscribed ‘M/C’.

(7) If there is no sign referable to a parking bay or metered space marked ‘M/C’ a person must not stop or park a vehicle longer than the maximum period shown on the parking sign applicable to that parking bay or metered space.

(8) Unless authorised by the local government, a person must not stop or park a vehicle in an area designated by a sign inscribed “Authorised Vehicles Only”.

(9) Unless authorised by the local government, a person must not stop or park a vehicle in a parking area for longer than the time period indicated by a sign, unless—
   (a) clause 3.16 applies; or
   (b) if the vehicle displays a disability parking permit, the vehicle may park continuously for twice the period indicated on a sign, except in a parking area set aside for people with disabilities.

(10) A person must not park a vehicle in a parking facility, carriageway or verge within an area designated as road closed without the permission of an authorised person.

3.3 Parking without consent

(1) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.

(2) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land other than in accordance with the consent given.

3.4 Parking positions

(1) Where the signs referable to a parking area are not inscribed with the words “angle parking” then unless a sign referable to the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position—
   (a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park it as near as practicable to and parallel with that boundary; and
   (b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in that parking area must stop or park it at approximately right angles to the centre of the carriageway.

(2) A person must park or stop a vehicle wholly within the painted lines on the road surface where lines are marked.

3.5 Angle parking

(1) Where a sign referable to a parking area is inscribed with the words “angle parking” a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by marks on the carriageway.

(2) Where a sign referable to a parking area is inscribed with the words “angle parking” a person stopping or parking a vehicle in the area must stop or park the vehicle in such a manner that the front of the vehicle is closest to the kerb or side of the road, in the same direction as the adjacent traffic lane, unless otherwise instructed on adjacent signage.

3.6 Loading zone

(1) A person must not stop or park a vehicle in a loading zone unless—
   (a) the vehicle is a commercial vehicle or delivery vehicle or a vehicle authorised by permit that is current and prominently displayed; and
   (b) a person is continuously engaged in loading or unloading goods to or from that vehicle.

(2) A person must not stop or park a commercial vehicle or a delivery vehicle or an authorised vehicle in a loading zone for longer than shown on adjacent signage, and if no time is shown on adjacent signage, a limit of 20 minutes shall apply.
3.7 Parking or stopping on reserves

(1) A person, other than an employee of the local government in the course of his or her duties or a person authorised by the local government, must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose.

(2) Unless authorised by the local government, a person—

(a) must not, for the purposes of conducting a business, stop or park a vehicle on any part of a reserve; or

(b) must not stop or park a vehicle or part of a vehicle on or over any footpath constructed across a reserve.

3.8 Occupied parking bays

A person must not stop or park or attempt to stop or park a vehicle in a parking bay or metered space in which another vehicle is stopping or parked.

3.9 Payment for parking

A person must not insert into a ticket issuing machine, fee collection machine or parking meter anything other than the designations of coin or banknote or other permitted form of payment indicated by a sign on the ticket issuing machine, fee collection machine or parking meter and only in accordance with the instructions printed on the ticket issuing machine, fee collection machine or parking meter.

3.10 Operation of ticket issuing machines and fee collection machines

A person must not operate a ticket issuing machine, fee collection machine or parking meter except in accordance with the operating instructions appearing on the ticket issuing machine, fee collection machine or parking meter.

3.11 Alternative methods of payment for parking

(1) The local government may allow a person to pay for parking in advance or in arrears by issuing, for example, a permit, card, invoice, ticket or pass or any other system of payment that may be determined by the local government from time to time and referred to in this clause as “alternative methods of payment”.

(2) A person who has been permitted by the local government to make alternative methods of payment for parking is exempt from paying fees at the parking station providing that he or she complies with the terms of the alternative method of payment including displaying the current approved permit (where applicable) so that the extent of the permit is fully visible from the outside of the vehicle.

(3) An alternative method of payment may not be used by any person other than the person who received authorisation from the local government or from an agent or representative authorised by the local government.

3.12 Set aside parking facilities

(1) Where a parking facility has been set aside under clauses 3.1(2)(c) or (d) the local government—

(a) may issue a written permit to the relevant person or vehicles of the class; and

(b) may vary or revoke a permit at any time.

(2) Except with the permission of an authorised person, a person must not stop or park a vehicle in a parking facility set aside under subclause (1) unless—

(a) the permit is properly displayed;

(b) the permit bears a valid date; and

(c) the person or the class of vehicle as specified in the permit is specified on the sign which sign sets aside a part or all the parking facility.

3.13 Eating areas

A person must not stop in a parking bay or metered space that has been established for a purpose other than the parking of vehicle.

3.14 Urgent, essential or official duties

(1) Where by a sign the stopping or parking of vehicles is prohibited or permitted for a limited time in a parking facility, the local government may permit a person to stop or park a vehicle, belonging to a authorised service authority and/or their approved agent, in a parking facility although not otherwise permitted or for longer than the permitted time so that the person may carry out urgent, essential or official duties.

(2) Where authorisation is given under subclause (1) the local government may prohibit, for the duration of that authorisation, the use by any other vehicle of that portion of the parking facility to which the authorisation relates.

(3) A permit issued under subclause (1) may—

(a) authorise the stopping or parking of the vehicle continuously for a specified period or periods or between specified times or from time to time during a specified period; and

(b) be revoked or suspended at any time by the local government before the expiration of any time or period specified in the permit without responsibility for any liability for loss or claim.
A person must not stop or park a vehicle in respect of which a permit has been issued under subclause (1)—
   (a) except at the times or during the period specified in the permit;
   (b) for any purpose other than the purpose specified in the permit; or
   (c) at any time after the cancellation, revocation or suspension of the permit.

3.15 Direction to move vehicle
A person must not stop or park a vehicle after being directed by an authorised person or a police officer to move the vehicle.

3.16 Selling or hiring in a parking facility
A person must not sell, bail, hire or give away any goods or thing or erect an advertisement in a parking facility or parking bay without the written authorisation of the local government.

3.17 Obstruction of a parking facility
A person must not stop or park a vehicle in a parking facility so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking facility without the written authorisation of the local government or the approval of the facility owner.

3.18 Behaviour in a parking facility
(1) A person must not remain in a parking facility after having been directed to leave by an authorised person or a police officer.
(2) A person must not loiter in a parking facility.

3.19 Damage to parking facilities
(1) A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.
(2) A person shall not remove, damage, deface, misuse or interfere with any parking meter, ticket issuing machine, or pay station, or cause, attempt, suffer, permit or allow any such act.

3.20 Removal and impounding of vehicles
(1) The powers of the local government to remove and impound goods including vehicles are set out in Part 3 Division 3 Subdivision 4 of the Act.
(2) Any offence against any provision of this local law is prescribed to be a contravention that can lead to impounding for the purposes of section 3.37 of the Act.
(3) An authorised person may remove and impound any vehicle that is involved in a contravention that can lead to impounding in accordance with section 3.39 of the Act and this clause.
(4) An authorised person may use reasonable force to exercise the power given by subclause (3).
(5) The form of the notice referred to in section 3.42 of the Act shall be in the form as determined by the local government from time to time.
(6) A person is not entitled to make any claim, by way of damages or otherwise, against the authorised person or the local government in respect of a vehicle removed and impounded under the provisions of this local law, or against any person who purchases a vehicle disposed of by the local government under the provisions of the Act.

3.21 Council resolution
The Council may by resolution declare that particular clauses do not apply during the periods and days specified in the resolution.

PART 4—STOPPING AND PARKING ON ROADS AND OTHER AREAS

4.1 Stopping and parking on a carriageway
(1) Subject to clause 3.2, a person stopping or parking a vehicle on a carriageway must stop or park the vehicle—
   (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked; or
   (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked; or
   (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopping or parked on the opposite side of the carriageway; or
   (d) so that it is more than 1.2 metres from any other vehicle, except a motorcycle without a trailer stopping or parked in accordance with this local law; and
   (e) headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked.

4.2 Median strips and traffic islands
(1) A person must not stop or park a vehicle on any part of a road so that any portion of the vehicle is—
   (a) on a median strip; or
   (b) adjacent to a median strip other than in a parking bay or metered space.
4.3 Prohibited parking of vehicles
(1) A person must not park a vehicle on any portion of a road—
   (a) if that vehicle is not licensed under the Road Traffic Act or any corresponding law of another State or Territory or of the Commonwealth; or
   (b) if that vehicle is a trailer or caravan unattached to a motor vehicle; or
   (c) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a road.
(2) A person may advertise a vehicle for sale on a road only when—
   (a) the vehicle is located on the verge of the vehicle owners residence and does not obstruct any vehicles or pedestrians passing the vehicle for sale; or
   (b) the vehicle is within a parking facility for a period not exceeding 12 continuous hours; and
   (c) the vehicle is parked in accordance with all parking signs and local laws of that location; and
   (d) the advertisement does not exceed one (1) A4 size piece of paper (297mm x 210mm) per side of the vehicle; and
   (e) the advertisement is not displayed on the front windscreens.

4.4 Traffic obstructions
(1) This clause does not apply to—
   (a) a vehicle stopping or parked in a parking bay or metered space established by the local government; or
   (b) a bicycle in a bicycle rack established by the local government.
(2) Subclauses (3)(b) and (3)(d) do not apply to a vehicle stopping or parked in a bus embayment.
(3) A person must not stop or park a vehicle so that any portion of the vehicle is—
   (a) on any road so as to cause an obstruction on the road unless it is a public bus stopping next to a sign inscribed with the words 'Bus Zone'; or
   (b) obstructing a thoroughfare or so close as to deny vehicles reasonable access to or egress from—
      (i) a driveway to a private residential or business property; or
      (ii) an access road to a private or public carpark; or
      (iii) any gate or access point to parks and reserves; or
   (c) on an intersection except adjacent to a carriageway boundary that is not broken by an intersecting carriageway; or
   (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place in accordance with this local law; or
   (e) on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked unless the vehicle stops or parks—
      (i) at a place on a carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place under this local law; or
      (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection; or
   (f) alongside or opposite any excavation, work, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic; or
   (g) on or over a footpath, pedestrian crossing, children’s crossing or a place for pedestrians; or
   (h) on a bridge or other elevated structure or within a tunnel or underpass; or
   (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line.

4.5 Double parking
(1) A person shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
(2) Subclause (1) does not apply to—
   (a) a person stopped in traffic; or
   (b) a person angle parked on the side of the carriageway or in a median strip parking area, in accordance with this local law.

4.6 Verge parking
(1) A person must not—
   (a) stop or park a bus or trailer or caravan unattached to a motor vehicle, so that any portion of it is on a road verge; or
(b) stop or park a vehicle so that any portion of the vehicle is on a road verge during any period when the stopping or parking vehicles on the road verge is prohibited by a sign adjacent and referable to that road verge; or
(c) stop or park a vehicle on a road verge in a manner that obstructs pedestrians; or
(d) stop or park a vehicle on a verge for a period of time or in a manner that causes damage to that verge.

(2) Subject to subclause (1) a person must not stop or park a vehicle if any portion of the vehicle is on the road verge unless he or she—
(a) is the owner or occupier of the premises adjacent to that road verge; or
(b) is a person authorised by the occupier of those premises to do so.

4.7 Parking near fire hydrant or post box
(1) A person must not stop or park a vehicle on a road so that any portion of the vehicle is—
(a) within 1 metre of a fire hydrant, fire plug, or any sign or mark indicating the existence of a fire hydrant or fire plug unless—
(i) the driver is driving a public bus, and the driver stops in a bus zone or a at a bus stop and does not leave the bus unattended; or
(ii) the driver is driving taxi, and the driver stops in a taxi zone and does not leave the taxi unattended; or
(b) within 3 metres of a public post box, unless the vehicle—
(i) is being used for the purpose of dropping off or picking up passengers or collecting postal articles from the post box; or
(ii) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place under this local law.

4.8 Bus stops, pedestrian, children and train crossings
(1) Subject to subclause (4), a person must not stop or park a vehicle on a level crossing or on a carriageway so that any portion of the vehicle is within 20 metres of the approach side or within 20 metres of the departure side of the nearest rail of a railway level crossing.

(2) Subject to subclause (4), a person must not stop or park a vehicle so that any portion of the vehicle is within 20 metres of the approach side or within 10 metres of the departure side of—
(a) a bus embayment or a sign inscribed with the words “Bus Zone” unless the vehicle is a bus stopped to take up or set down passengers; or
(b) a pedestrian crossing; or
(c) a children’s crossing.

(3) Subject to subclause (4), a person must not stop a vehicle so that any portion of the vehicle is within 10 metres of the approach side or within 3 metres of the departure side of—
(a) a marked foot crossing, that is not at an intersection; or
(b) a bicycle crossing equipped with bicycle crossing lights, that is not at an intersection.

(4) Subclauses (1), (2) or (3) do not apply if—
(a) the vehicle is stopping or parked in a marked bay to which a parking sign applies; or
(b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or
(c) it is necessary for the driver of the vehicle to stop to avoid an accident.

4.9 No parking within 1 hour
(1) Where stopping or parking on a road is permitted for a limited time, a person must not move a vehicle within that section of road so that the total time of parking exceeds the maximum time permitted, unless—
(a) the vehicle has first been removed from that road for at least 1 hour; or
(b) there is between the place where the vehicle had been parked and the place where the vehicle is subsequently parked, another road that meets or intersects that road.

4.10 Public bus bays
A person must not stop or park a vehicle other than a public bus in a parking bay set aside for use by a public bus.

4.11 Charter bus bays
A person must not stop or park a vehicle other than a charter bus in a parking bay set aside for use by a charter bus.

4.12 Bus parking
(1) Unless otherwise stated on a sign—
(a) a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers; and
(b) a charter bus must not stop or park in a bus embayment, other than a layover bay, except to pick up or set down passengers and, in any event, for no more than 20 minutes.
4.13 Construction site vehicle parking

(1) In this clause unless the context otherwise requires—

“builder” has the meaning given to it in the Building Regulations 1989;

“construction site” means any land subject to development;

“construction site vehicle” means a commercial vehicle or a heavy goods vehicle;

“daily fee” means the daily fee set by local government from time to time in accordance with the provisions of the Act determined by Council;

“development” means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;

“eligible person” means an owner or occupier of a construction site or any builder carrying out work on a construction site;

“establishment fee” means those fees set by local government from time to time in accordance with the provisions of the Act;

“heavy goods vehicle” means a vehicle which is defined in the First Schedule of the Road Traffic Act 1974 as a tractor (prime mover type) or a tractor (other than prime mover type) and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle;

“work zone” means any road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the local government by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.

(2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the local government, which may approve or refuse the application.

(3) Where the local government approves an application, it is to give the applicant written notice specifying—

(a) the number and location of work zones the applicant may use;

(b) the period during which the stopping or parking of construction site vehicles is permitted in the work zone; and

(c) the amount of the establishment fee.

(4) The local government is to set aside a work zone in accordance with the notice referred to in subclause (3) within 14 days from the date of payment of the establishment fee.

(5) An eligible person must, in addition to the establishment fee, pay to the local government a daily fee for each day that a work zone is set aside.

(6) The daily fee is payable monthly in advance.

(7) If the daily fee is at any time in arrears (whether or not any formal or legal demand is made), the local government may remove any signs used to set aside the work zone.

(8) A person must not stop or park a vehicle in a work zone unless—

(a) the vehicle is a construction site vehicle; or

(b) the vehicle is stopping or parked during a period in which the stopping or parking of a construction site vehicle in that zone is permitted by a sign: and

(c) a person is continuously engaged in loading or unloading goods—

(i) to or from the construction site vehicle; or

(ii) to or from the construction site.

(9) A person must not stop or park a vehicle in a shared zone unless the vehicle—

(a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law: or

(b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law: or

(c) the vehicle is dropping off, or picking up, passengers or goods: or

(d) the vehicle is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage.

4.14 Stopping on a carriageway—heavy and long vehicles

(1) A person shall not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes—

(a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods: or

(b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.

(2) Nothing in this clause mitigates the limitations or conditions imposed by any other regulation or traffic sign relating to the parking or stopping of vehicles.
PART 5—METERED ZONES

5.1 Fees in metered zones
(1) A person must not stop or park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

(2) The payment of the fee referred to in subclause (1) entitles a person to stop or park a vehicle in a metered space for the period shown on a sign referable to the space, but does not authorise the parking of the vehicle during any time when stopping or parking in that space is prohibited under this local law or the sign on the parking meter referable to the metered space.

(3) Unless authorised by the local government, a person must not leave or permit a vehicle to remain stopping or parked in a metered space—
   (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired', a negative time or a series of red flashing lights; or
   (b) for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted; or
   (c) if the parking meter is hooded with a covering bearing the words “No Parking”, “Reserved Parking”, “Temporary Bus Stop” or with an equivalent symbol depicting one of these purposes.

5.2 Parking position in metered space
(1) A person must not stop or park a vehicle in a metered space other than—
   (a) parallel to the kerb; and
   (b) as close to the kerb as practicable; and
   (c) wholly within the metered space; and
   (d) headed in the direction of the movement of traffic on the part of the road on which the space is situated.

(2) A person must not stop or park a vehicle in a metered space which is not parallel to a kerb other than wholly within the metered space.

5.3 No parking within 1 hour
A person who removes a vehicle from a metered zone must not stop or park that vehicle in that metered zone for at least 1 hour after the removal.

PART 6—TICKET MACHINE ZONES

6.1 Fees in ticket machine zones
(1) A person must not stop or park a vehicle in a ticket machine zone unless the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone is inserted into the ticket issuing machine.

(2) The payment of the fee referred to in subclause (1) entitles a person to stop or park a vehicle in a ticket machine zone for the period stated on the ticket issuing machine referable to the zone during which stopping or parking is permitted upon the purchase of a parking ticket (the “permitted period”) unless—
   (a) under this local law; or
   (b) by the sign on the ticket issuing machine referable to the zone; or
   (c) by a sign referable to that space.

6.2 Display of parking tickets and parking limits
(1) A person must not stop or park a vehicle in a ticket machine zone during the period stated on the ticket issuing machine referable to the zone during which stopping or parking is permitted upon the purchase of a parking ticket (the “permitted period”) unless—
   (a) an unexpired parking ticket issued by a ticket issuing machine in that ticket machine zone; and
   (b) the date and time of issue or expiry, as the case may be, and the number (if any) of the ticket printed on the ticket, are properly displayed.

(2) Where more than one parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of the aggregate of those periods providing that the aggregate does not exceed the permitted period.

(3) A driver of a vehicle who parks the vehicle in a ticket machine zone must, on purchasing a ticket from the ticket issuing machine for a period of parking, place the ticket inside the vehicle in a position where—
   (a) the ticket is clearly visible; and
   (b) the date, location and expiry time or time which the ticket remains valid is able to be read by and authorised person examining the ticket from outside the vehicle.
6.3 Parking limits
(1) A person shall not stop or park a vehicle in a ticket machine zone—
   (a) except during the period stated on signs referable to the zone during which stopping or
       parking is permitted; and
   (b) for longer than the maximum period stated on the ticket issuing machine in the zone during
       which the continuous parking of a vehicle in the zone is permitted.

6.4 Parking position in ticket machine zones
(1) A person must not stop or park a vehicle in a ticket machine zone that has parking bays parallel to
    a kerb other than—
    (a) parallel to the kerb; and
    (b) as close to the kerb as practicable;
    (c) wholly within a parking bay; and
    (d) headed in the direction of the movement of traffic on the part of the road on which the
        parking bay is situated.
(2) A person must not stop or park a vehicle in a ticket machine zone that does not have parking bays
    parallel to a kerb, other than wholly within a parking bay.

7.1 Fees in ticket machine zones
(1) A person must not enter a parking station without first obtaining the authorisation of an
    authorised person if one is on duty or an entrance ticket or a parking ticket unless that person is—
    (a) employed at the parking station and is in the course of his or her duties; or
    (b) a police officer and is in the course of his or her duties; or
    (c) the driver of or a passenger in a vehicle stopping or parked in that station.

7.2 Stopping or parking in a parking station
(1) A person must not stop or park a vehicle in—
    (a) an attended parking station, unless the appropriate fee as indicated by a sign is paid when
        demanded; or
    (b) a parking station with a ticket issuing machine, unless the appropriate fee as indicated by a
        sign on the ticket issuing machine is inserted into the machine and the person complies with
        the relevant provisions of Part 6 of this local law; or
    (c) a parking station with a fee collection machine, unless the appropriate fee as indicated by a
        sign is inserted into the machine and the ticket is validated immediately prior to departure.

7.3 No entrance ticket
Where no entrance ticket is produced by the driver of a vehicle which is being removed from a parking
station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when
it opened for operation on the day the vehicle was parked in the parking station.

7.4 Removal of vehicles
(1) A person must not remove a vehicle which has been stopping or parked in a parking station
    until—
    (a) that person or another person has paid the appropriate fee for the period for which the
        vehicle has been stopping or parked; or
    (b) the local government has issued a notice stating the fee and that the stated fee must be paid
        within the time specified in the notice.
(2) A person who receives a notice under subclause (1)(b) must pay the fee within 3 working days from
    the time of issue of the notice.

7.5 Maximum parking period in parking stations
Where the stopping or parking of vehicles in a parking station is permitted for a limited time, a
person must not stop or park a vehicle for a period exceeding the maximum time permitted, unless
the vehicle has first been removed from that parking station for at least 1 hour.

7.6 Parking restrictions for vehicles with multiple occupants
(1) The Council in respect of any local government parking station and in respect of any period or
time may, by the use of a sign, set aside any parking station where entry is prohibited by vehicles
other than vehicles carrying in addition to the driver at least one other person.
(2) A person must not stop or park a vehicle in any parking station which has been set aside under
subclause (1) at the times or within the period specified under subclause (1) unless the vehicle is
    carrying at least one other person.
(3) A person must not enter any parking station which has been set aside under subclause (1) at the
    times or within the period specified under subclause (1) unless that person is the driver of or
    passenger in a vehicle carrying at least one other person.
(4) The fee payable, and the manner of payment, for the parking of a vehicle in any parking station
    which has been set aside under subclause (1) and the manner of payment may be determined by
    Council from time to time in accordance with the Act.
7.7 Parking station closure
At the expiration of the hours of operation the local government whether or not any vehicle remains parked in a parking station may lock the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.

7.8 Elected Member parking permit
(1) The local government may issue to any member of the Council an Elected Member parking permit and may vary or revoke a permit at any time.
(2) The holder of an Elected Member parking permit is exempt from those clauses of this local law specified in the permit.
(3) The exemptions conferred by subclause (2) apply only—
   (a) if the Elected member parking permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be properly displayed; and
   (b) if the Elected Member parking permit is valid; and
   (c) if the holder of the Elected member parking permit is carrying out his or her duties or performing his or her functions as a member of the Council.
(4) A Elected Member parking permit ceases to be valid—
   (a) when the holder of the permit ceases to be a member of the Council; or
   (b) after the expiry date specified in the permit; or
   (c) when revoked by the local government.

PART 8—RESIDENTIAL AND VISITOR PARKING PERMITS

8.1 Interpretation
In this part unless the context otherwise requires—
   “dwelling unit” means a building or part of a building used for self-contained living quarters;
   “eligible person” means a single house occupier, a single house owner, a unit occupier or a unit owner;
   “parking permit” means a residential parking permit and a visitor parking permit issued by the Council pursuant to clause 8.3;
   “residential unit” means a dwelling unit in a building which is adjacent to a part of a road whereon the standing of vehicles is prohibited for more than a period specified by a sign referable thereto which is adjacent to a metered space and which contains—
      (a) two or more dwelling units; or
      (b) in addition to the dwelling unit, one or more non-residential uses;
   “single house” means a dwelling unit constructed on its own lot and used for self-contained living quarters and which is adjacent to a part of a road whereon the standing of vehicles is prohibited for more than a period specified by a sign referable thereto which is adjacent to a metered space;
   “unit occupier” means a person who is an occupier of a residential unit but does not include a unit owner; and
   “unit owner” means a person who is an owner and occupier of a residential unit.

8.2 Conditions of exemption for residential parking permits and visitors parking permits
(1) Where the stopping or parking of a vehicle on any part of a road within the district, whether such part be marked as a parking bay or not is prohibited for more than a specified time, the holder of a Residential Parking Permit is exempted from such prohibition, and the driver of a vehicle who is visiting a dwelling the occupant of which is the holder of a Visitor’s Parking Permit is exempted from such prohibition, provided that such exemption shall apply only—
   (a) to the road, roads or parking station specified in the permit, but excluding areas of road adjacent to retail premises or other public facilities, where parking of all classes of vehicles are subject to time restrictions;
   (b) if such Residential Parking Permit or Visitor’s Parking Permit is properly displayed;
   (c) if the period in respect of which the permit was issued has not expired; and
   (d) if the holder of the permit at the time of stopping or parking such vehicle still resides in the premises in respect of which the permit was granted.
(2) The exemption conferred by subclause (1) shall not apply during any period in which the standing of vehicles is prohibited in the road or the part of a road specified in the residential parking permit.

8.3 Issue of permits
The local government may upon the written application of an eligible person and upon payment of the fee referred to in clause 8.11 issue a parking permit.

8.4 Issue of permits
(1) Subject to clause 8.5—
   (a) The local government shall not issue more than two residential parking permits or two visitor parking permits to any single house occupier where the single house is situated on land having no provision for parking:
(b) The local government shall not issue more than one residential parking permit or one visitor parking permit to any single house occupier where the single house is situated on land which has provision of parking of one vehicle only; and
(c) The local government shall not issue a residential parking permit or a visitor parking permit to any single house occupier where the single house is situated on land having provision for parking of two or more vehicles.

8.5 Restrictions on issue of permits to unit owners
(1) Where no parking is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue more than two residential parking permits or two visitor parking permits to the unit owner.
(2) Where parking for one vehicle only is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue more than one residential parking permit or one visitor parking permit to the unit owner.
(3) Where parking for two or more vehicles is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue a residential parking permit or a visitor parking permit to the unit owner.

8.6 Restrictions on issue of permits to unit occupiers
(1) Where no parking is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue more than two residential parking permits or two visitor parking permits to the unit occupier.
(2) Where parking for one vehicle only is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue more than one residential parking permit or one visitor parking permit to the unit occupier.
(3) Where parking for two or more vehicles is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue a residential parking permit or a visitor parking permit to the unit occupier.

8.7 Restrictions on number of permits
The local government shall not issue more than two residential parking permits or two visitor parking permits in respect of any single house or residential unit.

8.8 Validity of permits
(1) A residential parking permit or visitor parking permit shall cease to be valid—
   (a) upon the expiry of a period of 12 months from and including the date on which it is issued; or
   (b) upon the holder of such permit ceasing to be an eligible person; or
   (c) where the permit is revoked in accordance with clause 8.9.
(2) The holder of a residential parking permit or visitor parking permit shall forthwith upon such permit ceasing to be valid remove such permit from the vehicle in which it is properly displayed where—
   (a) no fee has been paid; or
   (b) dates shown on supplied permit are no longer current; or
   (c) as directed in writing from the City.

8.9 Revocation of parking permits
(1) Where the local government is satisfied that a parking permit is not being used in accordance with Part 8 of this local law, the local government may revoke a permit.
(2) The local government may give a person to whom a permit has been issued in accordance with clause 8.3 of this local law a notice—
   (a) indicating that the permit may be revoked;
   (b) explaining the reason why the permit may be revoked; and
   (c) requiring the person to notify the local government within 14 days, of any reason why the permit should not be revoked.
(3) After the expiry of 14 days from the date of service of the notice referred to in subclause (2) on the person to whom the permit has been issued, whether or not a response has been received, the local government may revoke the permit.
(4) Where the local government revokes a permit, it is to notify the person that the permit has been revoked.
(5) A holder of a permit which is revoked by the local government shall forthwith remove such permit from the vehicle to which it is affixed and shall forthwith return such permit to the local government.

8.10 Removal of residential or visitor parking permit from vehicle
A holder of a residential parking permit or visitor parking permit who changes their place of residence or changes their vehicle, which is subject to a residential parking permit or visitor parking permit, shall forthwith remove such permit from the vehicle to which it is affixed and shall forthwith return such permit to the local government.

8.11 Fees for residential parking permit and visitor’s parking permits
Fees payable for residential parking permits and visitor’s parking permits shall be set by Council from time to time in accordance with the Act.
PART 9—MISCELLANEOUS

9.1 Authorised person—certificate of appointment
An authorised person shall be issued a certificate of his or her appointment in the form determined by the local government.

9.2 Authorised persons
No offence under this local law is committed by an authorised person while carrying out his or her duties.

9.3 Necessary power
An authorised person has all necessary power for the purpose of performing all duties vested in or imposed on him or her by the Act and this local law.

9.4 Impersonating an authorised person
A person who is not an authorised person must not impersonate an authorised person.

9.5 Obstructing of an authorised person
A person must not obstruct or hinder an authorised person in the execution of his or her duties.

9.6 Removal of notices
A person, other than the driver of the vehicle or a person authorised by the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person.

9.7 Display of signs
(1) A person must not without the authorisation of the Council—
   (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law: or
   (b) remove, deface or misuse a sign or property set up by the local government under this local law: or
   (c) affix a board, sign, placard, notice, cover or other thing to or paint or write on any part of a sign, parking meter, ticket issuing machine or fee collecting machine.

9.8 Use of parking tickets
(1) A person must not—
   (a) park a vehicle in a parking facility which requires a parking ticket if there is displayed in that vehicle so as to be visible from outside the vehicle a parking ticket which has been altered, obliterated or interfered with:
   (b) produce to an authorised person who accepts payment for parking, a parking ticket which has been defaced, altered, added to, erased, obliterated or interfered with.

9.9 Marking vehicles
(1) An authorised person may in a parking area, parking bay or parking facility—
   (a) mark the face of tyres of a vehicle with chalk or any other non-indelible substance: or
   (b) record the position of a vehicle: or
   (c) take a valve stem reading of a vehicle: or
   (d) record vehicle details and vehicle registration numbers: for a purpose connected with his or her duties or powers.

(2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.

9.10 Exemption when complying with directions
A person who complies with a direction given by a police officer or an authorised person does not commit an offence against this local law while complying with that direction.

9.11 Sign presumed to have been established by the local government
A sign marked, erected, set up, established or displayed on or near a road is, in the absence of evidence to the contrary, presumed to be a sign marked, set up, erected, established or displayed under the authority of this local law.

9.12 Power of an authorised person
(1) An authorised person is hereby authorised by the local government to—
   (a) carry into effect the provisions of this local law:
   (b) report to the local government on the working effectiveness and functioning of this local law:
   (c) make inquiries and investigations concerning any alleged, purported of actual offences against any of the provisions of this local law, with power to interview, question and obtain particulars from person(s) wheresoever living in respect of offences and suspected offences within the parking region:
   (d) recommend to the local government the institution of prosecutions: and
   (e) institute and conduct prosecutions as directed by the local government or the CEO, from time to time.
9.13 Special purpose and emergency vehicles
Notwithstanding anything to the contrary in this local law, the driver of a special purpose vehicle or an emergency vehicle may, only in the course of his or her duties and when it is reasonable to do so, stop or park the vehicle in any place at any time.

PART 10—PARKING POLICY

10.1 Policy
(1) The Council may make a policy in accordance with clause 10.2 in specifying—
   (a) any matter which may be the subject of a Council resolution under this local law; and
   (b) any matter ancillary or necessary to give effect to a policy.

10.2 Procedure for making a policy
(1) The local government is to give local public notice of its intention to make a parking policy.
(2) The local public notice referred to in subclause (1) is to state that—
   (a) the local government intends to make a parking policy, the purpose and effect of which is summarised in the notice; and
   (b) a copy of the proposed parking policy may be inspected and obtained from the offices of the local government; and
   (c) submissions in writing about the proposed parking policy may be lodged with the local government within 14 days after the day of publication.
(3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to—
   (a) give local public notice that the proposed parking policy has effect as a policy on and from the date of publication; or
   (b) mend the proposed parking policy, in which case subclause (5) will apply; or
   (c) not continue with the proposed parking policy.
(4) If submissions are received in accordance with subclause (2)(c), the Council is to—
   (a) consider those submissions; and
   (b) decide—
      (i) whether or not to amend the proposed parking policy; or
      (ii) not to continue with the proposed parking policy.
(5) If the Council decides to amend the proposed parking policy, it is to give local public notice—
   (a) of the effect of the amendments; and
   (b) that the proposed policy has effect as a policy on and from the date of publication.
(6) If the Council decides not to amend the proposed parking policy, it is to give local public notice that the proposed parking policy has effect as a policy on and from the date of publication.
(7) A proposed policy is to have effect as a policy on and from the date of publication referred to in subclauses (3), (5) and (6).
(8) A decision under subclauses (3) or (4) is not to be delegated by the Council.

10.3 Register of the parking policy
(1) The local government is to keep a register of the parking policy made under clause 10.1 and of any amendments to or revocations of the parking policy made under clause 10.4.
(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose, the register is to be taken to be information within section 5.94(u)(i) of the Act.

10.4 Amendment or revocation of the parking policy
(1) The Council may amend or revoke the parking policy.
(2) The provisions of clause 10.2 are to apply to an amendment of the parking policy as if the amendment were a proposed parking policy.
(3) If the Council revokes the parking policy it is to give local public notice of the revocation and the parking policy is to cease to have effect on the date of publication.

PART 11—OFFENCES AND PENALTIES

11.1 Offences
(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
(2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding $500 for each day or part of a day during which the offence has continued.
(3) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
11.2 Infringement and infringement withdrawal notices

(1) For the purposes of this local law—

(a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and

(b) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and

(c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First Schedule of the Local Government (Functions and General) Regulations 1996.

11.3 Modified penalty

(1) Subject to subclauses (3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the modified penalty payable for the particular offence.

(2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in the Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.

(3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit, as specified in the City of Bunbury Penalty Units Local Law 2018, by the number of penalty units specified in this local law.

(4) If it appears to the local government that an alleged offence cannot be adequately punished by the payment of the modified penalty then the local government may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.

(5) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign—

(a) the amount of the modified penalty shall be the amount referred to in subclause (2) where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign: and

(b) the amount of the modified penalty shall again be payable in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of $500.00 on the amount of modified penalties payable for each offence.

11.4 Court proceedings

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of appropriate jurisdiction.

11.5 Records

The local government must keep adequate records of all infringement notices served and modified penalties received.

11.6 Transitional provisions

Schedule 2 to this local law, which contains transitional provisions, has effect.

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**SCHEDULE 1—MODIFIED PENALTIES**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Clause</th>
<th>Nature of Offence</th>
<th>Modified Penalty Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3.2(1)</td>
<td>Stop or park vehicle contrary to signs</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>3.2(2)(a)</td>
<td>Stop or park vehicle in no stopping area</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>3.2(2)(d)</td>
<td>Stop or park vehicle in motorcycle stall</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>3.2(3)</td>
<td>Park vehicle in no parking area</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>3.2(4)</td>
<td>Stop vehicle contrary to yellow edge line</td>
<td>6</td>
</tr>
<tr>
<td>6</td>
<td>3.2(6)</td>
<td>Stop motorcycle in vehicle stall</td>
<td>3</td>
</tr>
<tr>
<td>7</td>
<td>3.2(8)</td>
<td>Stop or Park in Authorised Vehicle Only bay</td>
<td>6</td>
</tr>
<tr>
<td>8</td>
<td>3.2(9)</td>
<td>Stop or park longer than permitted</td>
<td>3</td>
</tr>
<tr>
<td>9</td>
<td>3.2(10)</td>
<td>Park vehicle within road closed area during event/works</td>
<td>10</td>
</tr>
<tr>
<td>10</td>
<td>3.3(1)</td>
<td>Stop or park on private property</td>
<td>6</td>
</tr>
<tr>
<td>11</td>
<td>3.3(2)</td>
<td>Park vehicle on private property contrary to signs</td>
<td>3</td>
</tr>
<tr>
<td>12</td>
<td>3.4(2)</td>
<td>Not wholly within parking stall</td>
<td>6</td>
</tr>
<tr>
<td>13</td>
<td>3.6(1)</td>
<td>Stop or park a non-commercial vehicle in loading zone</td>
<td>5</td>
</tr>
<tr>
<td>Item No.</td>
<td>Clause</td>
<td>Nature of Offence</td>
<td>Modified Penalty Units</td>
</tr>
<tr>
<td>---------</td>
<td>--------</td>
<td>-------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>14</td>
<td>3.6(2)</td>
<td>Stop or park a vehicle for over 20 minutes in loading zone</td>
<td>5</td>
</tr>
<tr>
<td>15</td>
<td>3.7(1)</td>
<td>Stop or park a vehicle on a reserve</td>
<td>15</td>
</tr>
<tr>
<td>16</td>
<td>3.13</td>
<td>Stop or park vehicle in eating area</td>
<td>6</td>
</tr>
<tr>
<td>17</td>
<td>3.15</td>
<td>Fail to move vehicle when directed by authorised person</td>
<td>6</td>
</tr>
<tr>
<td>18</td>
<td>3.16</td>
<td>Unauthorised sale/hire of goods within parking facility</td>
<td>6</td>
</tr>
<tr>
<td>19</td>
<td>3.17</td>
<td>Obstruct Vehicle in parking station</td>
<td>6</td>
</tr>
<tr>
<td>20</td>
<td>3.18(1)</td>
<td>Remaining in Parking Facility when directed to leave by authorised person</td>
<td>6</td>
</tr>
<tr>
<td>21</td>
<td>3.18(2)</td>
<td>Loitering in parking facility</td>
<td>6</td>
</tr>
<tr>
<td>22</td>
<td>3.19</td>
<td>Damage to Parking Facility or Parking equipment</td>
<td>6</td>
</tr>
<tr>
<td>23</td>
<td>4.1(1)(c)</td>
<td>Stop or Park a vehicle within 3m of centre of road</td>
<td>6</td>
</tr>
<tr>
<td>24</td>
<td>4.1(1)(e)</td>
<td>Stop or park a vehicle facing wrong direction</td>
<td>6</td>
</tr>
<tr>
<td>25</td>
<td>4.2(1)(a)</td>
<td>Stop or Park a vehicle on a median strip</td>
<td>6</td>
</tr>
<tr>
<td>26</td>
<td>4.2(1)(b)</td>
<td>Stop or Park a Vehicle Adjacent to a median strip</td>
<td>6</td>
</tr>
<tr>
<td>27</td>
<td>4.3(1)(b)</td>
<td>Stop or Park unattached trailer or caravan</td>
<td>6</td>
</tr>
<tr>
<td>28</td>
<td>4.3(2)</td>
<td>Display Vehicle for Sale in Street</td>
<td>6</td>
</tr>
<tr>
<td>29</td>
<td>4.4(3)(a)</td>
<td>Obstruction—Street or Roadway</td>
<td>6</td>
</tr>
<tr>
<td>30</td>
<td>4.4(3)(b)</td>
<td>Obstruction—Right of Way/ Private Drive</td>
<td>6</td>
</tr>
<tr>
<td>31</td>
<td>4.4(3)(d)</td>
<td>Stop or park a vehicle within 20m of Traffic Lights</td>
<td>6</td>
</tr>
<tr>
<td>32</td>
<td>4.4(3)(e)</td>
<td>Stop or park a vehicle within 10m of an intersection</td>
<td>6</td>
</tr>
<tr>
<td>33</td>
<td>4.4(3)(f)</td>
<td>Stop or Park opposite excavation, work, scaffolding that would cause obstruction</td>
<td>6</td>
</tr>
<tr>
<td>34</td>
<td>4.4(3)(g)</td>
<td>Stop or Park a vehicle on a footpath or pedestrian crossing</td>
<td>6</td>
</tr>
<tr>
<td>35</td>
<td>4.4(3)(h)</td>
<td>Stop or Park on Bridge or Tunnel</td>
<td>6</td>
</tr>
<tr>
<td>36</td>
<td>4.4(1)</td>
<td>Double parked</td>
<td>6</td>
</tr>
<tr>
<td>37</td>
<td>4.6(1)(c)</td>
<td>Stop or Park vehicle on Verge causing obstruction to pedestrians</td>
<td>6</td>
</tr>
<tr>
<td>38</td>
<td>4.7(1)(a)</td>
<td>Stop or park vehicle within 1 metre of fire hydrant</td>
<td>6</td>
</tr>
<tr>
<td>39</td>
<td>4.7(1)(b)</td>
<td>Stop or Park vehicle within 3 metres of public post box</td>
<td>6</td>
</tr>
<tr>
<td>40</td>
<td>4.8(2)(a)</td>
<td>Stop or Park within 20m of bus bay</td>
<td>6</td>
</tr>
<tr>
<td>41</td>
<td>4.8(2)(b)</td>
<td>Stop or Park within 20m of pedestrian crossing</td>
<td>6</td>
</tr>
<tr>
<td>42</td>
<td>4.8(2)(c)</td>
<td>Stop or Park with 20m of children’s crossing</td>
<td>6</td>
</tr>
<tr>
<td>43</td>
<td>4.9</td>
<td>Park same vehicle in same zone within 1 hour</td>
<td>3</td>
</tr>
<tr>
<td>44</td>
<td>4.10</td>
<td>Stop or park vehicle in Bus Bay</td>
<td>6</td>
</tr>
<tr>
<td>45</td>
<td>4.13(8)</td>
<td>Stop or Park unauthorised vehicle in work zone</td>
<td>6</td>
</tr>
<tr>
<td>46</td>
<td>4.14(1)(a)</td>
<td>Park long/heavy vehicle in built up area for more than 1 hour</td>
<td>6</td>
</tr>
<tr>
<td>47</td>
<td>6.2(1)</td>
<td>Ticket expired or wrongly displayed</td>
<td>3</td>
</tr>
<tr>
<td>48</td>
<td>7.1</td>
<td>Unauthorised entry to parking station</td>
<td>6</td>
</tr>
<tr>
<td>49</td>
<td>7.5</td>
<td>Repark vehicle in Parking Station with 1 hour after time expired</td>
<td>3</td>
</tr>
<tr>
<td>50</td>
<td>8.8(2)</td>
<td>Display invalid parking permit</td>
<td>6</td>
</tr>
<tr>
<td>51</td>
<td>8.9(5)</td>
<td>Display a revoked parking permit</td>
<td>6</td>
</tr>
<tr>
<td>52</td>
<td>9.5</td>
<td>Obstruction of authorised person</td>
<td>6</td>
</tr>
<tr>
<td>53</td>
<td>9.6</td>
<td>Unauthorised removal of notice on vehicle</td>
<td>6</td>
</tr>
<tr>
<td>54</td>
<td>9.7(1)(a)</td>
<td>Erect or display unauthorised sign</td>
<td>6</td>
</tr>
<tr>
<td>55</td>
<td>9.7(1)(b)</td>
<td>Unauthorised removal of sign</td>
<td>6</td>
</tr>
<tr>
<td>56</td>
<td>9.7(1)(c)</td>
<td>Unauthorised covering of sign</td>
<td>6</td>
</tr>
<tr>
<td>57</td>
<td>9.8</td>
<td>Produce or Park a vehicle with a voucher/ticket that has been altered or defaced</td>
<td>6</td>
</tr>
<tr>
<td>58</td>
<td>9.9(2)</td>
<td>Unauthorised removal of Chalk/mark from tyre</td>
<td>6</td>
</tr>
<tr>
<td>59</td>
<td></td>
<td>Any other clauses</td>
<td>6</td>
</tr>
</tbody>
</table>

**SCHEDULE 2—TRANSITIONAL PROVISIONS**

1. In this Schedule, unless the context otherwise requires—
   "**local law**" refers to the local law relating to City of Bunbury Parking and Parking Facilities Local Law to which this Schedule is attached:
"permit" includes a permit granted by the City of Bunbury under the repealed local law;

"infringement" includes an infringement issued by the City of Bunbury under the repealed local law;

"approval" means any Approval, Licence, Consent Order or other permission issued by the City of Bunbury permitting any activity, conduct or recreation upon any land or area within the District of the City of Bunbury;

"prohibition" includes any ban, barring order, prohibition or regulation of any activity, conduct or recreation upon any land or part thereof located within the District of the City of Bunbury;

"the repealed local laws" means the repealed City of Bunbury local laws stated in clause 1.1 of this local law.

2. This Schedule does not limit the operation of the Interpretation Act 1984.

3. Any reference, whether express or implied or having effect as such a reference, in any written Law or document to any provision of the repealed local laws shall be construed as a reference to this local law or, as the case may be, to the specific corresponding provisions of this local law.

4. Any notice given or thing done, or having affect as being made, given or done under a provision of the repealed local laws which corresponds to a provision of this local law shall have effect as if it had been made, given or done under the corresponding provision of this local law.

5. Any licence, permit approval or consent given by the local government under the repealed local laws corresponding to a type of consent approval or permission under this local law, shall if in force immediately before the date of gazettal of this local law be deemed converted into an approval consent or permission under this local law by operation of this Schedule.

6. Any infringement issued under the repealed local laws shall be dealt with in the same manner as if it were an infringement issued under the corresponding provisions of this local law.

7. A conviction imposed by any competent Court under the repealed local laws shall for the purposes of this local law—

   (a) be treated as though it had been imposed, made or ordered under this local law where a provision of this local law corresponds with a provision of the repealed local laws concerned; and

   (b) be taken into account for the purposes of assessing appropriate penalty.

Dated 11 December 2018.
The Common Seal of the City of Bunbury was affixed by authority of a resolution of the City in the presence of—

GARY BRENNAN, Mayor.
MAL OSBORNE, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

CITY OF ROCKINGHAM

REPEAL AND AMENDMENT LOCAL LAW 2018

Under the powers conferred by the Local Government Act 1995, and all other powers enabling it, the Council of the City of Rockingham resolved on 27 November 2018 to make the following local law.

1. Citation
This local law is cited as the City of Rockingham Repeal and Amendment Local Law 2018.

2. Commencement
This local law comes into operation 14 days after its publication in the Government Gazette.

3. Extractive Industries Local Law 2000 repealed

4. Cemeteries Local Law 2000 amended
In Schedules 2 and 3 of the City of Rockingham Cemeteries Local Law 2000 published in the Government Gazette on 21 March 2001 delete ‘authorised person’ and replace with ‘authorised officer’.

5. Health By-laws 1996 amended
Division 7 ‘Bee Keeping of Part 7 of the City of Rockingham Health By-laws 1996 published in the Government Gazette on 4 October 1996 is repealed.

Dated: 5 December 2018.

The Common Seal of the City of Rockingham was affixed by authority of a resolution of the Council in the presence of—

B. SAMMELS, Mayor.
M. PARKER, Chief Executive Officer.
Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Rockingham resolved on 27 November 2018 to make the following local law.

**PART 1—PRELIMINARY**

1.1 Title
This is the *City of Rockingham Sand Drift Local Law 2018*.

1.2 Commencement
This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Purpose
The purpose of this local law is to provide for the regulation, control and management of site erosion, sand and dust on land within the district.

1.4 Repeal
The *City of Rockingham Sand Drift Prevention and Abatement Local Law 2000* as published in the *Government Gazette* on 21 March 2001 is repealed.

1.5 Application
This local law applies throughout the district.

1.6 Terms used
In this local law, unless the context otherwise requires—

- **Act** means the *Local Government Act 1995*;
- **authorised person** means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;
- **district** means the district of the local government;
- **dust and sand** means granules or particles of rock, earth, clay, loam, silt and any other granular, or airborne particle or like material, and includes gravel;
- **land** includes any building or structures on the land;
- **local government** means the City of Rockingham;
- **occupier** means any person who, at the time a notice is served, is in control of any place or part of any place or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a place to perform any work in relation to any place and includes a builder or contractor;
- **Regulations** means the *Local Government (Functions and General) Regulations 1996*; and
- **schedule** means the Schedule to this local law.

1.7 Interpretation
(1) A term used in this local law that is not defined in clause 1.6 is to have the meaning given to it in the Act.
(2) Where, under this local law a duty, obligation or liability is imposed on an ‘owner or occupier’, the duty is taken to be imposed jointly and severally on each owner and occupier.
(3) Where under this local law an act is required to be done or forbidden to be done in relation to any land, an owner or occupier of the land has the duty of causing to be done the act so required to be done, or preventing from being done the act forbidden to be done.
(4) Where this local law refers to the giving of a notice, other than the giving of an infringement notice, no particular form is prescribed and it is sufficient if the notice is in writing giving sufficient details to enable the owner or occupier to know the offence (if any) committed and the measures required to be taken or conditions to be complied with, as the case may be.

**PART 2—SITE EROSION AND DUST**

2.1 Prevention of erosion and the escape of sand and dust
An owner or occupier of land must take reasonable measures to—
(a) stabilise sand on the land; and
(b) ensure no sand or dust is released from or escapes from the land, whether by means of wind, water or any other cause.

2.2 Notice may require specified action to prevent
(1) Where the local government or an authorised person is satisfied that—
(a) an owner or occupier of land has not complied with clause 2.1; or
(b) sand or dust is escaping, being released or being carried, or is likely to escape, be released or be carried, from any land,
the local government or an authorised person may, by notice in writing, direct the owner or occupier, within a time specified in the notice—
(c) to comply with clause 2.1;
(d) clean up and make good any damage resulting from the release or escape of dust or sand from the land; or
(e) take such other actions or comply with such other conditions as the local government or authorised person considers necessary to prevent or stop the escape, release or carriage of sand or dust from the land, as stipulated in the notice.
(2) An owner or occupier of land to whom a notice is issued under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

PART 3—OBJECTIONS AND REVIEW

3.1 Objections and review
If the local government or an authorised person gives a person notice under clause 2.2(1), Division 1 of Part 9 of the Act and regulation 33 of the Regulations are to apply.

PART 4—OFFENCES AND PENALTIES

4.1 Offences
(1) Any person who—
(a) fails to comply with a notice under clause 2.2(2);
(b) fails to do anything required or directed to be done under this local law; or
(c) does anything which under this local law that person is prohibited from doing,
commits an offence.
(2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not less than $500 and not exceeding $5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding $500 for each day or part of a day during which the offence has continued.

4.2 Prescribed offences
(1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
(2) The amount of the modified penalty for a prescribed offence is the number specified adjacent to the clause in the Schedule.

4.3 Form of notices
(1) The form of the infringement notice give under section 9.16 of the Act is Form 2 in Schedule 1 of the Regulations.
(2) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE—PRESCRIBED OFFENCES

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Clause</th>
<th>Description</th>
<th>Penalty ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4.1(1)(a)</td>
<td>Failure to comply with a notice</td>
<td>500</td>
</tr>
<tr>
<td>2</td>
<td>4.1(1)(b)</td>
<td>Failure to comply with a direction given</td>
<td>500</td>
</tr>
<tr>
<td>3</td>
<td>4.1(1)(c)</td>
<td>Prohibited action under local law</td>
<td>500</td>
</tr>
</tbody>
</table>

Dated: 5 December 2018.
The Common Seal of the City of Rockingham was affixed by authority of a resolution of the Council in the presence of—

B. SAMMELS, Mayor.
M. PARKER, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

SHIRE OF DUNDAS

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2018
LOCAL GOVERNMENT ACT 1995

SHIRE OF DUNDAS

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2018

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SCHEDULE 1—PRESCRIBED OFFENCES
Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Dundas resolved on 18 December 2018 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law is cited as the Shire of Dundas Local Government Property Local Law 2018.

1.2 Commencement
This local law comes into operation 14 days after the date of its publication in the Government Gazette.

1.3 Definitions
In this local law unless the context otherwise requires—

- **Act** means the Local Government Act 1995;
- **applicant** means a person who applies for a permit under clause 3.2;
- **authorised person** means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;
- **building** means any building which is local government property and includes a—
  (a) hall or room;
  (b) corridor, stairway or annexe of any hall or room;
- **Code** means the Code of Practice for the Design, Operation, Management and Maintenance of Aquatic Facilities as published by the Executive Director, Public Health, pursuant to the provisions of section 344A (2) of the Health (Miscellaneous Provisions) Act 1911 and as amended from time to time;
- **CEO** means the chief executive officer or an acting chief executive officer of the local government;
- **children’s playground** means an area set aside for use by children and noted by the presence of dedicated children’s playground equipment and the presence of either sand or other form of soft fall surface;
- **commencement day** means the day on which this local law comes into operation;
- **Council** means the council of the local government;
- **date of publication** means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;
- **determination** means a determination made under clause 2.1;
- **district** means the district of the local government;
- **function** means an event or activity characterised by all or any of the following—
  (a) formal organisation and preparation;
  (b) its occurrence is generally advertised or notified in writing to particular persons;
  (c) organisation by or on behalf of a club;
  (d) payment of a fee to attend it; and
  (e) systematic recurrence in relation to the day, time and place;
- **Health Act** means the Health (Miscellaneous Provisions) Act 1911;
- **liquor** has the same meaning as is given to it in section 3 of the Liquor Control Act 1988;
- **local government** means the Shire of Dundas;
local government property means anything except a thoroughfare—
(a) which belongs to the local government;
(b) of which the local government is the management body under the Land Administration Act 1997; or
(c) which is an ‘otherwise unvested facility’ within section 3.53 of the Act;
local law means the Shire of Dundas Local Government Property Local Law 2018 made by the local government;
local public notice has the same meaning as in section 1.7 of the Act;
manager means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person’s assistant or deputy;
nuisance means—
(a) any thing, condition, circumstance or state of affairs which is injurious or dangerous to the health of a reasonable person, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of a person;
(b) any thing a person does or permits or cause to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; and
(c) any thing a person does on public or private land which detracts from or interferes with the enjoyment or value of lands owned by another person;
permit means a permit issued under this local law;
permit holder means a person who holds a valid permit;
person does not include the local government;
pool area means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;
prohibited drug has the same meaning as is given to it in section 3 of the Misuse of Drugs Act 1981;
regulations means the Local Government (Functions and General) Regulations 1996;
schedule means a schedule in this local law;
sign includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;
trading means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of—
(a) offering them for sale or hire;
(b) inviting offers for their sale or hire;
(c) soliciting orders for them; or
(d) carrying out any other transaction in relation to them;
vehicle includes—
(a) every conveyance and every object other than a shopping trolley, capable of being propelled or drawn on wheels, tracks or otherwise; and
(b) an animal being ridden or driven; and
waste includes matter—
(a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or
(b) prescribed by regulations under the Waste Avoidance and Resource Recovery Act 2007 to be waste.

1.4 Interpretation
In this local law, a reference to local government property includes a reference to any part of that local government property.

1.5 Application
This local law applies throughout the district.

1.6 Overriding power to hire or agree
Despite anything to the contrary in this local law, the local government may—
(a) hire local government property to any person; or
(b) enter into an agreement with any person regarding the use of any local government property.

1.7 Repeal
The Shire of Dundas Local Government Property Local Law as published in the Government Gazette on 19 May 2000 is repealed.
PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1—Determinations

2.1 Determinations as to use of local government property

(1) The local government may make a determination in accordance with clause 2.2—
   (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
   (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
   (c) as to the matters in clauses 2.7(2) and 2.8(2); and
   (d) as to any matter ancillary or necessary to give effect to a determination.

(2) The determinations in Schedule 2—
   (a) are to be taken to have been made in accordance with clause 2.2;
   (b) may be amended or revoked in accordance with clause 2.6; and
   (c) have effect on the commencement day.

2.2 Procedure for making a determination

(1) The local government is to give local public notice of its intention to make a determination.

(2) The local public notice referred to in subclause (1) is to state that—
   (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
   (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
   (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

(3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to—
   (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
   (b) amend the proposed determination, in which case subclause (5) will apply; or
   (c) not continue with the proposed determination.

(4) If submissions are received in accordance with subclause (2)(c) the Council is to—
   (a) consider those submissions; and
   (b) decide—
      (i) whether or not to amend the proposed determination; or
      (ii) not to continue with the proposed determination.

(5) If the Council decides to amend the proposed determination, it is to give local public notice—
   (a) of the effect of the amendments; and
   (b) that the proposed determination has effect as a determination on and from the date of publication.

(6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.

(7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).

(8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person shall comply with a determination.

2.5 Register of determinations

(1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.

(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

(1) The Council may amend or revoke a determination.

(2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.
Division 2—Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

(1) A determination may provide that specified local government property is set aside as an area on which a person may—

(a) bring, ride or drive an animal;
(b) take, ride or drive a vehicle, or a particular class of vehicle;
(c) fly or use a motorised model aeroplane;
(d) use a children’s playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
(e) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
(f) play or practice—
   (i) golf or archery;
   (ii) pistol or rifle shooting, but subject to the compliance of that person with the Firearms Act 1973; or
   (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property; and
(g) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device.

(2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular—

(a) the days and times during which the activity may be pursued;
(b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
(c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
(d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
(e) may specify that the activity can be pursued by a class of persons or all persons; and
(f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

(1) In this clause—

premises means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

(2) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—

(a) smoking on premises;
(b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
(c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
(d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
(e) the playing or practice of—
   (i) golf, archery, pistol shooting or rifle shooting; or
   (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property; and
(f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
(g) bring, ride or drive an animal.

(3) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (2) and, in particular—

(a) the days and times during which the activity is prohibited;
(b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
(c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
(d) that an activity is prohibited in respect of a class of persons or all persons; and
(e) may distinguish between different classes of the activity.
2.9 Signs taken to be determinations
(1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3—PERMITS

Division 1—Preliminary
3.1 Application of Part
This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2—Applying for a Permit
3.2 Application for permit
(1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
(2) An application for a permit under this local law shall—
   (a) be in the form determined by the local government;
   (b) be signed by the applicant;
   (c) provide the information required by the form; and
   (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
(4) The local government may require an applicant to give local public notice of the application for a permit.
(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

3.3 Decision on application for permit
(1) The local government may—
   (a) approve an application for a permit unconditionally or subject to any conditions; or
   (b) refuse to approve an application for a permit.
(2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
(3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
(4) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.

Division 3—Conditions
3.4 Conditions which may be imposed on a permit
(1) Without limiting the generality of clause 3.3(1)(a), local government may approve an application for a permit subject to conditions relating to—
   (a) the payment of a fee;
   (b) compliance with a standard or a policy of the local government adopted by the local government;
   (c) the duration and commencement of the permit;
   (d) the commencement of the permit being contingent on the happening of an event;
   (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
   (f) the approval of another application for a permit which may be required by the local government under any written law;
   (g) the area of the district to which the permit applies;
   (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
   (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.
(2) Without limiting the generality of clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued—
   (a) when fees and charges are to be paid;
   (b) payment of a bond against possible damage or cleaning expenses or both.
(c) restrictions on the erection of material or external decorations;
(d) rules about the use of furniture, plant and effects;
(e) limitations on the number of persons who may attend any function in or on local government property;
(f) the duration of the hire;
(g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
(h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;
(i) whether or not the hire is for the exclusive use of the local government property;
(j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
(k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

3.5 Imposing conditions under a policy

(1) In this clause—

*policy* means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

(2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government must give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).

(4) An application for a permit shall not be taken to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

3.6 Compliance with conditions

Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

**Division 4—General**

3.7 Duration of permit

A permit is valid for one year from the date on which it is issued, unless—

(a) it is otherwise stated in this local law or in the permit; or
(b) it is cancelled under clause 3.11.

3.8 Renewal of permit

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of this Part apply to an application for the renewal of a permit as though it were an application for a permit.

3.9 Transfer of permit

(1) An application for the transfer of a valid permit is to—

(a) be made in writing;
(b) be signed by the permit holder and the proposed transferee of the permit;
(c) provide such information as the local government may require to enable the application to be determined; and
(d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the Chief Executive Officer.

(4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

3.10 Production of permit

A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.
3.11 Cancellation of permit
(1) Subject to clause 7.1, a permit may be cancelled by the local government if the permit holder has not complied with a—
   (a) condition of the permit; or
   (b) determination or a provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder—
   (a) shall return the permit as soon as practicable to the CEO; and
   (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5—When a permit is required

3.12 Activities needing a permit
(1) A person shall not without a permit—
   (a) subject to subclause (3), hire local government property;
   (b) advertise anything by any means on local government property;
   (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
   (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
   (e) plant any plant or sow any seeds on local government property;
   (f) carry on any trading on local government property unless the trading is conducted—
      (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
      (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
   (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose—
      (i) drive or ride or take any vehicle on to local government property; or
      (ii) park or stop any vehicle on local government property;
   (h) conduct a function on local government property;
   (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
   (j) light a fire on local government property except in a facility provided for that purpose;
   (k) parachute, hang glide, abseil or base jump from or on to local government property;
   (l) erect a building or a refuelling site on local government property;
   (m) make any excavation on or erect or remove any fence on local government property;
   (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
   (o) de-pasture any horse, sheep, cattle, goat, camel, ass or mule on local government property;
   (p) deposit or store any thing on local government property;
   (q) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly; or
   (r) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

(3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.13 Permit required to camp outside a facility
(1) In this clause—
   facility has the same meaning as is given to it in section 5(1) of the Caravan Parks and Camping Grounds Act 1995.

(2) This clause does not apply to a facility operated by the local government.

(3) Except in accordance with a determination or a permit, a person must not—
   (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
   (b) erect any tent, camp, hut or similar structure on local government property.

(4) The maximum period for which the local government may approve an application for a permit in respect to paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the Caravan Parks and Camping Grounds Regulations 1997.
3.14 Permit required for possession and consumption of liquor
(1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless—
   (a) that is permitted under the Liquor Control Act 1988; and
   (b) a permit has been obtained for that purpose.
(2) Subclause (1) does not apply where the liquor is in a sealed container.

3.15 Responsibilities of permit holder
A holder of a permit shall in respect of local government property to which the permit relates—
   (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
   (b) leave the local government property in a clean and tidy condition after its use;
   (c) report any damage or defacement of the local government property to the local government;
   (d) take all reasonable action to prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the Liquor Control Act 1988 for that purpose.

PART 4—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1—Behaviour on and interference with local government property

4.1 Behaviour which interferes with others
A person shall not in or on any local government property behave in a manner which—
   (a) is likely to interfere with the enjoyment of a person who might use the property;
   (b) interferes with the enjoyment of a person using the property; or
   (c) creates a nuisance.

4.2 Behaviour detrimental to property
(1) In this clause—
   detriment to the property includes—
   (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
   (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.
(2) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.

4.3 Taking or injuring any fauna
(1) In this clause—
   animal means any living thing that is not a human being or plant; and
   fauna means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal—
   (a) any class of animal or individual member;
   (b) the eggs or larvae; or
   (c) the carcass, skin, plumage or fur.
(2) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

4.4 Intoxicated persons not to enter local government property
A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.5 No prohibited drugs
A person shall not take a prohibited drug onto, or consume or use a prohibited drug on, local government property.

4.6 Animals
(1) A person must not—
   (a) tether any animal to a tree, shrub, tree guard, wall or fence; or
   (b) permit any animal to enter upon or into any local government property, unless authorised by a permit.
(2) The CEO or an authorised person may, by the placement of an approved sign, prohibit dogs from being in a children’s playground or in the vicinity of a children’s playground.
(3) This clause does not apply to a guide dog used for the assistance of visually impaired persons and is subject to the provisions of section 8 of the Dog Act 1976 and the Disability Discrimination Act 1992 (Commonwealth).
4.7 Waste
A person must not deposit or discard waste on local government property except—
(a) in a place or receptacle set aside by the CEO or an authorised person for that purpose and subject to any conditions that may be specified on the receptacle or a sign, such as a condition in relation to the type of waste that may be deposited; or
(b) at the Norseman Refuse Site, and subject to directions issued from time to time by the CEO or an authorised person for the orderly and proper use of that waste facility in relation to hours of business, separation of waste into designated receptacles, prohibition of the deposit of certain types of refuse or waste, and conduct of persons or persons in charge of vehicles while on the site.

4.8 Refusal of entry to local government property
(1) An authorised person may refuse to allow entry, or suspend admission, to any local government property by any person who he or she believes has behaved in a manner contrary to the provisions of this Part.
(2) This refusal or suspension can be for any period of up to 12 months as decided by that authorised person.
(3) A decision made under this clause is a decision to which Clause 7 applies.

Division 2—Signs
(1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.
(2) A person shall comply with a sign erected under subclause (1).
(3) A condition of use specified on a sign erected under subclause (1) is—
(a) not to be inconsistent with any provision of this local law or any determination; and
(b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1—Swimming pool areas
5.1 When entry must be refused
(1) A Manager or an authorised person shall refuse admission to a pool area any person who—
(a) in her or his opinion is—
(i) under the minimum age of that specified in the Code and who is unaccompanied by a responsible person over the age of that specified in the Code;
(ii) under the minimum age that specified in the Code and who is accompanied by a responsible person over the age of that specified in the Code where the responsible person is incapable of, or not providing, adequate supervision of, or care, for that person;
(iii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
(iv) under the influence of liquor or a prohibited drug; or
(b) to be refused admission under and in accordance with a decision of the local government for breaching a clause of Part 5 of this local law.
(2) If a person referred to in paragraph (a) or (b) of subclause (1) is in a pool area, a Manager or an authorised person must—
(a) direct the person to leave; and
(b) if the person refuses or fails to leave, remove the person or arrange for the person to be removed, from the pool area.

5.2 Consumption of food or drink may be prohibited
A person must not consume any food or drink in an area where consumption is prohibited by a sign.

Division 2—Fenced or closed property
5.3 No entry to fenced or closed local government property
A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 3—Toilet blocks and change rooms
5.4 Only specified gender to use entry of toilet block or change room
(1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—
(a) females—then a person of the male gender must not use that entry of the toilet block or change room:
(b) males—then a person of the female gender must not use that entry of the toilet block or change room;
(c) families—then, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.

(2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or care giver, where the child is—
(a) under the age of 7 years; or
(b) otherwise permitted by an authorised person to use the relevant entry.

5.5 Use of shower facilities
A person may use a shower facility in change rooms only on condition that—
(a) the facilities must be used by the person only for the purposes of cleansing and washing themselves;
(b) use of the facilities must be restricted to a maximum period of 15 minutes, or such lesser time as required by an attendant; or
(c) the facilities must not be used for the purposes of laundering or washing any clothing or other articles.

PART 6—FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY

6.1 No unauthorised entry to function
(1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except—
(a) through the proper entrance for that purpose; and
(b) on payment of the fee chargeable for admission at the time.
(2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7—OBJECTIONS AND REVIEW

7.1 Application of Division 1, Part 9 of the Act
When the local government makes a decision as to whether it will—
(a) grant a person a permit or consent under this local law; or
(b) renew, vary, transfer or cancel a permit or consent that a person has under this local law:
the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

PART 8—MISCELLANEOUS

8.1 Authorised person to be obeyed
A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.

8.2 Disposal of lost property
An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

8.3 Liability for damage to local government property
(1) In this clause—
   costs of the local government includes its administrative costs.
(2) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of—
   (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
   (b) replacing that property.
(3) On a failure to comply with a notice issued under subclause (2), the local government may recover the costs referred to in the notice as a debt due to it.

PART 9—ENFORCEMENT

Division 1—Notices given under this local law

9.1 Offence to fail to comply with notice
Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

9.2 Local government may undertake requirements of notice
Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.
Division 2—Offences and penalties

Subdivision 1—General

9.3 Offences and general penalty

(1) Any person who fails to do anything required or directed to be done under this local law, or who
does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not
exceeding $5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding
$500 for each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

9.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of
section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in
Schedule 1.

9.5 Form of notices

(1) For the purposes of this local law—
   (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to
       in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
   (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in
       Schedule 1 of the Regulations; and
   (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of
       the Regulations.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence
against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3—Evidence in legal proceedings

9.6 Evidence of a determination

(1) In any legal proceedings, evidence of a determination may be given by tendering the register
referred to in clause 2.5 or a certified copy of an extract from the register.

(2) It is to be presumed, unless the contrary is proved, that the determination was properly made and
that every requirement for it to be made and have effect has been satisfied.

(3) Subclause (2) does not make valid a determination that has not been properly made.

Schedule 1—Prescribed Offences

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<td>Failure to obtain a permit to camp outside a facility</td>
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<td>3.15(1)</td>
<td>Failure to obtain permit for liquor</td>
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<td>3.16</td>
<td>Failure of permit holder to comply with responsibilities</td>
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<td>Under influence of liquor or prohibited drug</td>
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Dated: 8 January 2019.
The Common Seal of the Shire of Dundas was affixed by authority of a resolution of the Council in the
presence of—

LAURENE BONZA, Shire President.
PETER FITCHAT, Chief Executive Officer.